

JUDGE PARKER

TO

REV. DR. BACON.

SIR—I proceed to the consideration of two of your propositions which have the semblance of argument, but which utterly fail to sustain your conclusion. They take the shape of inquiries, to wit:—

“Has the President a right by the Constitution, and is it his duty, to wage war in South Carolina—has he a right, and is it his duty, to bombard cities, to burn villages, to cut down groves and forests, to obstruct harbors, to turn rivers from their channels, and to mow down regiments of men in battle, when these measures are necessary to a speedy and thorough conquest—has he a right to do all this, in defiance of the only government and laws now existing in that State—and has he not a right to proclaim that, after a certain day, unless the people of that State shall, in the meantime, re-establish a State government under the Federal Constitution, no distinction shall be recognized among them, but the distinction between friends and enemies of the United States, and that every friend, whatever his former condition, shall be recognized and protected as a freeman?”

“If the President, or a military commander, acting by his authority, may seize private property, when needed for military purposes—if he may take cotton, provisions, forage, horses, and all sorts of cattle, from the loyal as well as the disloyal—giving to loyal owners an assurance of indemnity hereafter; may he not also take this property, with a like assurance of indemnity to loyal owners?”

For the purpose of showing wherein, and how, the argument in these inquiries falls entirely short of the purpose for which you present them, it may be well, in the first place, to ascertain distinctly what is, or is to be, the scope, force, and effect of the “great proclamation.”

Much of the difference of opinion, which exists in the community, respecting the power of the President to issue the proclamation, is, I think, occasioned by a difference of supposition respecting what it proposes, and is intended to accomplish.

Some persons seem to think, that the constitutional power is not to be disputed, because the President may threaten the rebels. It will do no harm. Perhaps they will be alarmed, submit, and choose representatives in Congress before the first of January.

My dog, if I had one, might bark at the moon. He would have a constitutional power so to do. But what mischief would be done to the moon: and what benefit would accrue to the dog! The proclamation is, of itself, no more effective for good, than the dog's bark would be. It is, doubtless, a much more efficient agent for evil.

The President may notify Queen Victoria, that if she does not return Mason and Slidell within ninety days, he will proclaim in what part of her Indian dominions, the Sepoys shall be emancipated from the oppression to which they are now subjected. I doubt, whether he would be liable to impeachment, if he should do such a foolish thing. But would Her Majesty be very much alarmed by the notification, except as it indicated hostility? And if he should designate the limits, at the end of the ninety days, would the Sepoys be relieved from the oppression? The measure might serve to unite nearly all the people of England, in a bitter hostility to us. And that is the legitimate effect of the proclamation, upon the people of the South. The rebels know that the proclamation is of no avail, without a successful war on our part. It is the war that they fear, and not the proclamation. The newspaper paragraphs, stating that the proclamation causes great alarm among them, are baits to catch gulls, or, without metaphor, lies to deceive fools.

Some persons seem to regard the proclamation as a measure of punishment:—as a confiscation of

slaves, for the crime of rebellion or treason. They say, may not the rebels be punished by taking away their slaves, as well as other property? Is property in slaves preeminently sacred? Admit that it is not; that confiscation is a proper punishment for treason; and that confiscation may free slaves, as well as convey other property of the traitor, to the use of the Government.

But the President has no power to confiscate the property of any person for treason. That is the province of Congress and the Judiciary; and Congress, on the 17th of July last, passed an act to punish treason, seize and confiscate the property of rebels, &c., which not only provides for the emancipation of his slaves, upon the conviction of the traitor, but enacts further, that all slaves of persons engaged in the rebellion, or who give aid and comfort thereto, escaping from such persons, and taking refuge within the lines of the army, and all slaves captured from such persons, or deserted by them, and coming under the control of the Government; and all slaves of such persons found, or being within any place occupied by rebel forces and afterwards occupied by the forces of the United States, shall be deemed captives of war, and forever free from their servitude. If there may be some doubts respecting the constitutionality of all portions of the enactment, it is much more free from constitutional difficulties than a proclamation, as a measure of confiscation. Moreover, the emancipation of the proclamation is, as your enquiries imply, to be of the slaves of the loyal, as well as the disloyal. It is not to be sustained, therefore, as an act of confiscation.

Others are of opinion that the President, as Commander-in-Chief, may direct that, wherever the army goes, and overcomes the power of the rebels, the slaves shall be free; and they construe the proclamation as meaning no more than that; because, so far as the power of the master is not overcome, it is clear that there can be no emancipation.

I have no doubt that, where the army carries successful warfare, there martial law—the law of force—is, for the time being, the governing power for all the purposes of war; and as the liberation of the slaves—so far as that liberation is then and there a practical subversion of the power of the master—may weaken the power of the rebellion, it may be regarded as one of the means of carrying on the war. The slave may be required to perform labor and service, in any of the warlike operations for the suppression of the rebellion. The power and control of the master over the slave may thus be broken for the time being, and the relation of master and slave is thereby suspended. This is by the legitimate effect of martial law—the law of force—which supersedes the municipal law of the State. Now if the slave avails himself of this subversion of the power and control of the master—of this severance for the time being, of the relation of master and slave—and departs without the limits where slavery is admitted, he will secure the permanence of his freedom, because, as I maintain, he cannot afterwards be claimed and returned, under the fugitive slave clause of the Constitution and the laws of Congress. He acquired liberty, practically, without becoming a fugitive. He is not a fugitive, if he avails himself of the liberty to go where he pleases, and so he cannot be sent back as a fugitive on the suppression of the rebellion. And so, if the Government, during the time when the law of force is the governing power, removes him from the limits where the municipal power requires his servitude.

Upon the same principle, I do not doubt, that the President, as commander-in-chief, or a command-

ing general in the field, may, in the lawful exercise of hostilities, for the purpose of weakening the enemy, invite the slaves to come within the lines of the army and assure them of protection, which may be made effectual by their removal beyond the subsequent operation of the municipal law.

A commander may invite all persons within the hostile lines to come within his camp, and to bring with them whatever gives strength to the enemy. And in regard to all slaves who should comply with such a call, the relation of master and slave would be actually severed, when they come within the limits where the law of force, adverse to the servitude under such circumstances, is the governing power. Coming within the lines under such a lawful exercise of military power, they could not be deemed fugitives, within the meaning of the Constitution; but would stand in the same category with slaves, brought within its limits by the march of the army. There might be a question in both cases, whether loyal masters were not entitled to indemnity. That need not be settled at this time.

But all this has no tendency to sustain the proclamation. Military occupation—martial law—the law of the force exerted by the army—only suspends the municipal law for the time being. It does not subvert it permanently. Neither the commander of the army in the field, nor the President, can give to martial law any such extension, that it will subvert the municipal law, except so far as there has been, not merely a suspension, but an actual change in the existing state of things, by the operations of the war. It is not in the nature of martial law to provide rules, prospectively, for governing the rights and duties of persons after itself shall have ceased to exist. What it has changed, is, of course, subject to the change, as far as it goes. What it has not changed, it cannot regulate for the future after it ceases. It is the law of force, operating so long as the actual military force sustains it, but no longer. This is readily illustrated. The army in the course of its march, occupies the land of the individual, and the officers take possession of his house, and are not trespassers.—They take his crops and consume them, and are not trespassers. No action will lie against them at the time, or afterwards. He may, or may not, have a claim upon his Government for indemnity.—When they remove, he cannot of course regain his crops which have been consumed, but the commanding officer has acquired no title to his house or farm, nor any right to regulate his occupancy or power over that property, which thus remains, after the war is over. His right, to occupy and use, was suspended by the war, and by the law of the force which drove him out; but it was only suspended, and he enters and holds under his old title. So it is with the crops not consumed, and with his furniture. So it may be with his slaves, who have been liberated from his control for the time being, and have been under the control of the military power; if they remain, and give the master an opportunity to assert his old title:

This is all the emancipation which can be had in the course of the war; and if I could read the proclamation as extending no farther than such emancipation, I should have no controversy with any one who supported it. The opportunity to secure freedom in this way, was, I think, substantially provided for before the proclamation, by orders directing military commanders not to return slaves who came within their lines. No proclamation was necessary for that purpose; but an additional order for their removal, so that they would be beyond the future control of their masters, might have been but an act of justice to them, especially if they had been actively engaged in aiding the prosecution of the hostilities on our part. A successful warfare would, upon these principles, make the emancipation one of large measure, sufficient to satisfy reasonable men.—Taken in connection with the restriction of slavery in the territories, it would probably give a deathblow to slavery.

But those who have so vigorously urged "the adoption of a policy" and the issuing of a "proclamation of emancipation," do not consider this the limit of the emancipation which is to be effected by it. I understand that you give it a much broader scope, as I believe you are authorized to do. You say that it threatens the people in each rebel State "with the emancipation of all their slaves" and speak of "the day when every slave under the rebel power shall be (so far as our Government is concerned) irrevocably free;" and, it is doubtless, for this reason that you call it "the

great proclamation." It is, of course, to give freedom after the return of peace, (if it does not prevent our arms from being victorious,) to slaves who have never been within our power during the war,—to slaves in the interior, who may never have heard of the proclamation,—to slaves where martial law never had an existence, to slaves who, during all the war, and up to the return of peace, were as perfectly and as peaceably under the full control of their masters as they were before the war commenced; and who, during the war, had been engaged in the same services which they had performed before war existed; and it pledges the military and executive power to maintain the freedom thus bestowed. It is to operate, therefore, as a decree, or law, for the emancipation of probably half, perhaps more, of the slaves in the States designated, not as a punishment of rebels, for it operates on friends also,—not because martial law ever reached them,—not because there was in fact any subversion of the power and control of the master during the war—and not because such emancipation was necessary to the prosecution and success of the war; for the fact that they remain in slavery until the military operations have ceased, completely negatives any such "military necessity." The military necessity, upon which you and others rely to sustain the proclamation,—and under the guise of which you and they are willing to surrender all the liberties of the freemen of the United States, and to subject them to a most absolute military despotism, in order to subserve your favorite project of giving freedom to all the slaves,—is thus shown to be either a careless or ignorant assumption, or a mere excuse, perhaps a hollow pretence, in some instances I fear a wicked subterfuge, by which those who contend that the President may do anything which is required by the military necessity; and that he is the sole judge when the necessity exists, and what it requires; hope to accomplish an unconstitutional purpose, at the risk of a final disruption of the Union, and the formation of several Confederacies. Professor Patterson, of Dartmouth College, in a recent speech, accepting a Congressional nomination, pledged himself "to support, unconditionally," *every military necessity to which the constituted authorities may deem it proper to resort, to crush the rebellion.*" That expresses the character of the thing with admirable precision. The Professor understands it perfectly. The military necessity to proclaim the emancipation of all the slaves, is not one which the rebellion and the progress of the war have thrust upon the Government, requiring the measure for the public safety, but it is, emphatically, *a necessity to which the constituted authorities have deemed it proper to resort.* It is not a necessity which has pressed itself upon them, but one which they have sought out, and are endeavoring to press into their service. It is, literally, a necessity which "knows no law." This is the first time, perhaps, in which a "necessity" has been drafted into service, but we read of those who, in other times, "have sought out many inventions."

And now for your argument in support of the power to emancipate the slaves, which you base upon the fact that, the President may do certain other things in time of war. The fact that this emancipation, by means of the proclamation, is to operate in a great measure at the close of the war, shows the wide, and almost entire difference between this exercise of power, and its exercise in those cases which you put by way of illustration and argument, in the above extracts; in each of which, respectively, the power to destroy, and the power to seize and take, is a power to act during the war, and one which cannot lawfully be exercised after the cessation of hostilities, even upon an order issued prior to that time. The President may "bombard cities," "burn villages," and "mow down regiments of men in battle," in the actual prosecution of a war; but he can do none of those things, nor order that they shall be done, at the close of the war. He, or a military commander, may seize private property, when needed for military purposes, while the war lasts; he may "take cotton, provisions, forage, horses, and all sorts of cattle, from the loyal as well as the disloyal," if the necessity of the hour require it, in the prosecution of the campaign; but he cannot perpetuate a necessity so to seize and take after the war is over, even by an order issued before its termination. Perhaps the military authorities may seize and take provisions, &c., to supply the necessities of the army, after the close of the war, until it can be withdrawn;—but the proclamation

does not propose to emancipate the negroes, for the time being, to supply the necessities of the soldiers. Your argument is a very perfect *non-sequitur*.

By way of illustrating your own views, and the difference between you and Dr. Cheever,—who, I understand, would have the proclamation denounce slavery in good round terms, as well as exterminate it,—you refer to the power of the Mayor of New York, under the city charter, and acts of the Legislature, to blow up buildings in order to prevent the spreading of fire. Now, suppose Mayor Opdyke, during the time that a fire is raging, should order a few buildings to be blown up to check it; and should further order, that as soon as the fire was subdued, a few squares more should be blown up, by way of preventing the possible breaking out of another fire, at some indefinite time afterwards. Do you not think that the people would “blow him up?”

I give your “common sense” the credit of perceiving by this time, that you have been talking very oracularly, about matters respecting which you are profoundly ignorant; and that you have thereupon made an exhibition of yourself according to the general rule in such cases made and provided.

The prosecution of the war for a restoration of the authority of the United States, under the Constitution, should command the undivided support of the whole people of the loyal States. A war for emancipation, which is, in other words, a war for a revolution, cannot be supported, as such, by those who have sworn to support the Constitution, consistently with the oaths they have taken; and if it is placed on that basis, there must be divisions at the North, as well as between the North and South. The infamous attempt to charge “disloyalty” upon all who do not support the proclamation, whatever countenance it has had in Senatorial Speeches, or Fraternity lectures, or “Views from a Watch-tower,” will have no terrors for those persons who, faithful to their constitutional obligations, are attempting to avert the ruin which is impending over us, if we do not abide by the Constitution.

It has been proved that there is no “military necessity,” and can be no such necessity, for an emancipation of slaves which shall take effect only after the war is over, and the rebellion subdued,—that a great proportion of the emancipation proposed by the proclamation must be of that character,—and that your arguments in favor of the proclamation, drawn from what may be done by military power in the prosecution of a war, wholly fail of showing any right on the part of the President to give freedom to the slaves by a mere proclamation for that purpose.

I propose now to show, that even if the United States had in this war all belligerent rights,—if the President alone had the right to make war,—and if the war was a war for conquest, the President would have no right to emancipate all the slaves by proclamation, or in any other mode.

Assuming the truth of all these propositions, the President would have no greater power of emancipation than he has if the war is regarded, as it ought to be, one prosecuted on the part of the United States to suppress the rebellion, and to re-establish the authority of the United States, in active exercise, in those places where it is now practically inoperative by reason of the rebellion. On such assumption, the war must be carried on according to the general principles which regulate war between two independent nations, but with all constitutional limitations to determine what power the President may exercise in such a war.

In order to determine whether the President may give freedom to the slaves, even in such a war, it may be well to examine a little more closely the nature and character of the act by which the emancipation is to be effected. It is called a “proclamation,” but that designation does not serve to determine its character.

On the 22d of September the President proclaimed and declared that on the 1st of January, 1863, “all persons held as slaves in any State, or any designated part of a State, the people whereof shall then be in rebellion against the United States shall be then, thenceforward and forever free, and the Executive Government of the United States, including the military and naval authority, will recognize and maintain the freedom of such persons.” The forthcoming proclamation is to designate the States or parts of States.

The emancipation of all the slaves within the

territory designated, is to result from these acts, whether there has or has not been any practical severance of the relation of master and slave in the course of the war. The proclamation is, of itself, to be an act which gives freedom to all the slaves, whether of loyal or disloyal masters, not only during the time of the rebellion, but ever afterwards, so that it becomes legally operative, of itself, as a charter of freedom. It is intended to be an act of enfranchisement that the slaves may plead hereafter in the courts of justice, if necessary to establish their right to freedom. The President is represented, in a recent paragraph, as placing it on that ground; and as saying that this may be done as a war measure, “but not as a measure issuing from the bosom of philanthropy.” Such is substantially your doctrine; The enfranchisement is not to result from the operation of the war upon the slave, by an actual subversion of the power of the master, but from the proclamation of the President subverting the power of the master.—In other words, the power of the President exerted through and by the proclamation, is, of itself, *proprio vigore*, to give freedom, without aid from any thing else—without any military operation connected with it—but by the mere force of the President’s declaration that it shall be so.

Upon what constitutional or legal principle is it to be sustained? What must be the legal character of this act, supposing it to possess any legality?

It is clear, that it is not a lawful act of the President, as the chief executive magistrate of the United States. The Executive department possesses no such power to deprive a citizen of his property held under the laws of a State. The chief executive magistrate of a State, has no such power. If Governor Andrew should issue his proclamation that the title of the fifty-four thousand persons who voted against him at the last election, to the property which they had previously possessed, should from the date be annulled, and held of no further force or effect; and that any person who should take possession of any of the goods of the said “guerillas of Jefferson Davis,” might plead his proclamation in defence of any suit which should be brought against him therefor; the courts of Massachusetts would have no difficulty in disposing of his proclamation. But he has just as much right to do this, as an act of Executive power, as President Lincoln has to do an act of similar character. Such a change of title, or subversion of title, is not within the scope of Executive power.

If it were claimed, that the proclamation was in the nature of a *judgement* or *decree* of emancipation, that would be in its nature, an exercise of judicial power. But the president has no *judicial* power, for such a purpose.

If it be said that this is a *law* of enfranchisement, which is doubtless its true character, if it has any character, it is equally clear, that the President has no power to make a *law*. All the legislative powers, under the Constitution, are expressly vested in Congress.

So far as I am aware it is not contended that the President, *as President*, can liberate the slaves.

But it is alleged that the President, as Commander-in-Chief, may, in time of war, liberate the slaves, although he may not do it as President, by virtue of his powers as an executive magistrate.—That, I think, is substantially the position. To this I answer, that the act of Emancipation, so far as it is not accomplished by the war itself, but depends solely upon the proclamation, is, in its character a *law*,—that it is in its nature a *legislative act*, and that the objection already stated applies in full force. The President has, as Commander-in-Chief, no legislative power. The emancipation in the West Indies, by Great Britain, was by Parliament,—in the District of Columbia by Congress—in the Northern States by law also.

Again: It is said, that although the President cannot emancipate by a law, he may do so in time of war by a military order; and it has been alleged that the proclamation, although not in form, is, in effect, a military order. But if the emancipation is not to be accomplished by the operations of the war itself, there is nothing gained to the argument by a change of name, and calling the proclamation a military order. “A rose by any other name would smell as sweet;” and a skunk cabbage, by any other name, would not smell any sweeter.—Calling it a “military order,” under the war power, does not even make it a measure of war, if it is to operate of itself,—of its own force,—without military enforcement: as the proclamation must be designed to operate in all cases where the slaves

remain under the control of their masters until the close of the war. In all such cases, as has been said, it effects nothing for the purposes of the war. So far, it is in its nature and effect, legislation, just as if it was an act of Congress, passed in time of peace.

But let us test this in another mode. Suppose we treat it as a "military order," by the Commander-in-Chief, and lay out of consideration your admission that the President's powers are strictly limited. Take the strongest case. May the Commander-in-Chief, in a foreign war, waged for the purpose of conquest, by a military order which will take effect, practically, at the close of the war, liberate all the slaves of the enemy who have remained under the control, and in the service of their masters up to that time?

According to the approved usages of civilized nations, it is not in the power of the Commander-in-Chief of an invading army, by any military order, to change the laws of the country invaded, or the title to private property there, not even during the time of the war; except as the property comes under the actual control of the military force, in the manner stated in my last letter. Still more clear must it be, that he could not, by an order which had its operation after the war had ceased, change the existing rights of property under such laws. If the President, in a war with Spain, should take the field as Generalissimo, invade Cuba, and order that all the property of the inhabitants should be confiscated, and become the property of the United States, and the slaves be emancipated; the cession of Cuba, at the close of the war, would not give effect to the order, either to pass the title of the property, or to emancipate the slaves of owners, who remained in full possession and control up to the close of the war. It would not even pass the title of real estate, of which the military force had been in possession. Personal property, seized and carried off by military force during the war, might not be recovered back.

I am aware that the authority of Mr. John Quincy Adams is invoked to sustain the proposition, that where a country is invaded, "the commanders of both armies have power to emancipate all the slaves in the invaded territory;" and these words of his, if separated from the context, may at first appear to be broad enough to cover the proposition, that the mere order of the commander, without more, will operate as an effectual decree of emancipation. But that would be preposterous. If the British commander who captured Washington, in the war of 1812, had proclaimed the emancipation of all the slaves in the United States, do you suppose it could have been pleaded by the slaves as an effectual emancipation, or that any right of the masters would, in any way, have been affected by the "military order," standing alone? That it could not have been the opinion of Mr. Adams, that such order would have any legal operation beyond its actual execution by the military force—by martial law,—seems to be evident from the context, which serves to show, that he intended to say merely, that the commander, by his actual military operations, might emancipate the slaves. He was contending against an assumption, that Congress had no authority to interfere with slavery in any way, and endeavoring to show that Congress might, in certain cases, interfere with it, both for and against. In the course of the discussion, speaking of the war power, he said:

"When your country is actually in war, whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and must carry it on, according to the laws of war; and by the laws of war, an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them. This power in Congress, has, perhaps, never been called into exercise under the present Constitution of the United States. But when the laws of war are in force, what, I ask, is one of those laws? It is this: that when a country is invaded, and two hostile armies are set in martial array, the commanders of both armies have power to emancipate all the slaves in the invaded territory."

"Now, did Mr. Adams mean to assert, that upon the mere invasion of a country all the laws and municipal institutions of that country were swept away;—that, for example, upon the invasion of the United States, in the war of 1812, all the laws and municipal institutions of the United States were swept away, and martial law substituted all over the country? Most assuredly not! If he had, the assertion would have shown him to have been a fit subject for the occupancy of a mad-house.—

What he meant, undoubtedly, was, that so far as the march of the invading army extended—so far as the law of force became the governing power—the laws and the municipal institutions of the invaded country were swept away for the time being, the martial law of the invaders taking the place of them. Even this would not be true to the letter; for if the invaders did not see fit to apply their force to shut up the courts of justice, those courts might still sit under the municipal law; suits might be instituted, which did not involve any matter connected with the hostilities; and valid judgments be rendered under the municipal law. Probably this is not usually permitted, where there is actual occupation by a hostile military force.

If Mr. Adams's remark, in relation to laws and municipal institutions, had this limited significance, it would seem that his remark relating to emancipation, almost in juxtaposition with the other, must have a similar limitation, and thus limited, I am not disposed to contest it, provided the commander of the invading force, having severed the relation of master and slave, carries the slave beyond the power of the master. Such was the nature of the other cases, which have been cited to support the broad principle, but prove nothing more than this limited operation of martial law. In another part of the same speech he remarked: "I say that military authority takes, *for the time*, the place of all municipal institutions, slavery among the rest."

That the conquest of a country does not subvert its laws, or the rights of property, until the conquering State sees fit to change them, may be shown by abundant authorities. A single extract from Chancellor Kent's Commentaries will suffice for the present purpose.

"It is a settled principle in the law and usage of nations that the inhabitants of a conquered territory, change their allegiance, and their relation to their former sovereign is dissolved; but their relations to each other, and their rights of property, not taken from them by the orders of the conqueror, remain undisturbed. The cession or conquest of a territory does not affect the rights of property. The laws, usages and municipal regulations in force at the time of the conquest or cession, remain in force, UNTIL CHANGED BY THE NEW SOVEREIGN. There is no doubt of the power of the sovereign to change the laws of a conquered or ceded country, unless restrained by the capitulation or treaty of cession. In the case of the Canal Appraisers vs. The People, in 17 WENDELL'S R. 587, Chancellor Walworth declared that, in the case of a country acquired by conquest, no formal act of legislation is necessary to change the law; the mere will of the conqueror is sufficient. This is the case where the conqueror is in possession of the legislative as well as the executive power; and until a nation or territory is wholly subdued, the conqueror is only entitled, by the usage of nations to hold it as a temporary possession, by military occupation until the final issue of the conquest is settled by treaty, or by the competent constitutional power. The principle of national law, as declared by the courts of the United States, is that conquest does not give the conqueror plenum dominium et title." 1 Kent's Com. 6th Ed. 178 note b.

I have omitted the references to several books of authority cited by the Chancellor in the foregoing extract to sustain his positions.

This may serve, for the present, to show that even in the case of a foreign conquest, the President, if he were in the field as Commander-in-Chief, could not by a military order, emancipate the slaves, except through an actual severance of the control of the master connected with it. He would not be the "new sovereign" and has no powers of legislation. What is thus true in the sense of a conquest of foreign territory, must be true, much more clearly, if possible, where the military occupation is of territory within the Union, for the purpose of suppressing a rebellion.

I had intended to make some remarks upon your distinction between "emancipation" and "abolition," and that between the right of the President to emancipate, because it will be the "means of crushing the rebellion," and a want of right to emancipate because "slavery is wrong;" but this discussion has already extended much beyond the limits which I anticipated when it commenced, and I am not disposed to add to it at the present time.

Trusting that in the next of your "Views from a Watch tower," you will not see that lawyers and their logic are out place in the discussion of questions of Constitutional law; that your vision will be sufficiently clear to enable you to "avoid the conviction" that those who oppose the "proclamation," "intend nothing else—than some concession to the rebels, which shall either divide the Union, or subvert the Constitution," and "are now willing to sacrifice the Union for the sake of saving slavery."

I remain, yours, &c.

JOEL PARKER.

Cambridge, Mass.